

**8.606 Evaluating FPI performance.**

Agencies shall evaluate FPI contract performance in accordance with subpart 42.15. Performance evaluations do not negate the requirements of 8.602 and 8.604, but they may be used to support a waiver request in accordance with 8.604.

**8.607 Performance as a subcontractor.**

Agencies shall not require a contractor, or subcontractor at any tier, to use FPI as a subcontractor for performance of a contract by any means, including means such as—

(a) A solicitation provision requiring a potential contractor to offer to make use of FPI supplies or services;

(b) A contract specification requiring the contractor to use specific supplies or services (or classes of supplies or services) offered by FPI; or

(c) Any contract modification directing the use of FPI supplies or services.

**8.608 Protection of classified and sensitive information.**

Agencies shall not enter into any contract with FPI that allows an inmate worker access to any—

(a) Classified data;

(b) Geographic data regarding the location of—

(1) Surface and subsurface infrastructure providing communications or water or electrical power distribution;

(2) Pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

(3) Other utilities; or

(c) Personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

**Subpart 8.7—Acquisition From Nonprofit Agencies Employing People Who Are Blind or Severely Disabled**

**8.700 Scope of subpart.**

This subpart prescribes the policies and procedures for implementing the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c), referred to in this subpart as “the JWOD Act,” and the rules of the Com-

mittee for Purchase from People Who Are Blind or Severely Disabled (41 CFR chapter 51).

[59 FR 67027, Dec. 28, 1994]

EFFECTIVE DATE NOTE: At 73 FR 53994, Sept. 17, 2008, section 8.700 was revised, effective October 17, 2008. For the convenience of the user, the revised text is set forth as follows:

**8.700 Scope of subpart.**

This subpart prescribes the policies and procedures for implementing the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) and the rules of the Committee for Purchase from People Who Are Blind or Severely Disabled (41 CFR Chapter 51) which implements the AbilityOne Program.

**8.701 Definitions.**

As used in this subpart—

*Allocation*, means an action taken by a central nonprofit agency to designate the JWOD participating nonprofit agencies that will furnish definite quantities of supplies or perform specific services upon receipt of orders from ordering offices.

*Central nonprofit agency*, means National Industries for the Blind (NIB), which has been designated to represent people who are blind; or NISH, which has been designated to represent JWOD participating nonprofit agencies serving people with severe disabilities other than blindness.

*Committee*, means the Committee for Purchase from People Who Are Blind or Severely Disabled.

*Government or entity of the Government* means any entity of the legislative or judicial branch, any executive agency, military department, Government corporation, or independent establishment, the U.S. Postal Service, or any nonappropriated-fund instrumentality of the Armed Forces.

*Ordering office* means any activity in an entity of the Government that places orders for the purchase of supplies or services under the JWOD Program.

*Procurement List*, means a list of supplies (including military resale commodities) and services that the Committee has determined are suitable for purchase by the Government under the Javits-Wagner-O'Day Act.